

CITY COUNCIL OF THE CITY OF ANNAPOLIS

ORDINANCE NO. O-37-04Amended

Introduced by Alderwoman Carter

LEGISLATIVE ACTION

First Reader:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
12/13/04	2/8/05	2/28/05	n/a

Referred to:	Meeting Date:	Action Taken:
Rules Committee	5/4/05	Committee chose not to take action
Planning Commission	10/21/04	Recommends denial of application

AN ORDINANCE concerning

Rezoning of Wilson/Rittenhouse Property

FOR the purpose of amending the existing zoning classification for the split-zoned parcels located in the eastern quadrant of the intersection of Tyler Avenue and Forest Drive from its current zoning of R2, Single Family Residence District, R3, General Residence District, and B2, Community Shopping District; to all one zoning district of B2, Community Shopping District; and matters generally relating to said zoning map amendment.

* * * * *

WHEREAS, the Annapolis City Council received a rezoning application from Robert F. Wilson, Sr.; Elizabeth L. Wilson; Paul J. Rittenhouse; and Shirley A. Rittenhouse to rezone 2.1411 acres of split-zoned parcels located in the eastern quadrant of the intersection of Tyler Avenue and Forest Drive from R2, Single-family Residence, District, R3, General Residence District; and B2, Community Shopping District to all one zoning district of B2, Community Shopping District;

WHEREAS, the Annapolis City Council heard and received the report and recommendations of the Department of Planning and Zoning and the Planning Commission of the City of Annapolis upon said application on December 13, 2004; and

WHEREAS, the Annapolis City Council conducted a public hearing in conjunction with the application on December 13, 2004; and

WHEREAS, the Annapolis City Council now wishes to amend the zoning classification of the Property in conformance with the 1998 Annapolis Comprehensive Plan recommendation for a mixture of uses; and

WHEREAS, having considered the application, testimony and evidence presented, and the report and recommendations of the Planning Commission and the Department of Planning and Zoning, and having weighed the evidence and judged the credibility of witnesses appearing before it, the City Council makes the following findings of fact as required by Section 21.84.060.B. of the City Code of Annapolis:

FINDINGS

(This italicized section is to be replaced by the findings required by:

Section 21.84.060—Action by city council.

_____ A. _____ The city council shall not act upon the application until it has received a written report and recommendation from the planning commission on the proposed amendment.

_____ B. _____ The city council shall make findings of fact in each specific case including, but not limited to, the following matters: Population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation of the planning commission, and the relationship of the proposed amendment to the city's plan; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.)

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the B2, Community Shopping District is hereby approved for the Property as shown in the following Sigma Engineering, Inc. maps: Portion of Tax Map Showing Existing Zoning Classification, Portion of Tax Map Showing Proposing Zoning Classification, Topographic Map Showing Existing Zoning Classifications, and Topographic Map Showing Proposed Zoning Classifications. Copies of these maps are attached hereto and incorporated herein by reference. True copies of the Zoning Maps as adopted by this ordinance shall be maintained permanently in the Department of Planning and Zoning.

FINDINGS BY THE CITY COUNCIL:

1 The City Council finds that since there has not been a change in the character of the
2 neighborhood of the property and/or a mistake in the existing zoning classification, the
3 proposed rezoning from R2 Single Family Residence District to B2 Community Shopping
4 District is not warranted.

5
6 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
7 **COUNCIL** that the B2 Community Shopping District zoning classification is not approved
8 for the Property as shown in the following Sigma Engineering, Inc. maps: Portion of Tax
9 Map Showing Existing Zoning Classification, Portion of Tax Map Showing Proposing
10 Zoning Classification, Topographic Map Showing Existing Zoning Classifications, and
11 Topographic Map Showing Proposed Zoning Classifications. Copies of these maps are
12 attached hereto and incorporated herein by reference.

13
14 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
15 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its
16 passage.
17

ADOPTED this 23rd day of May, 2005.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

Deborah Heinbuch, MMC
City Clerk

BY: _____
ELLEN O. MOYER, MAYOR

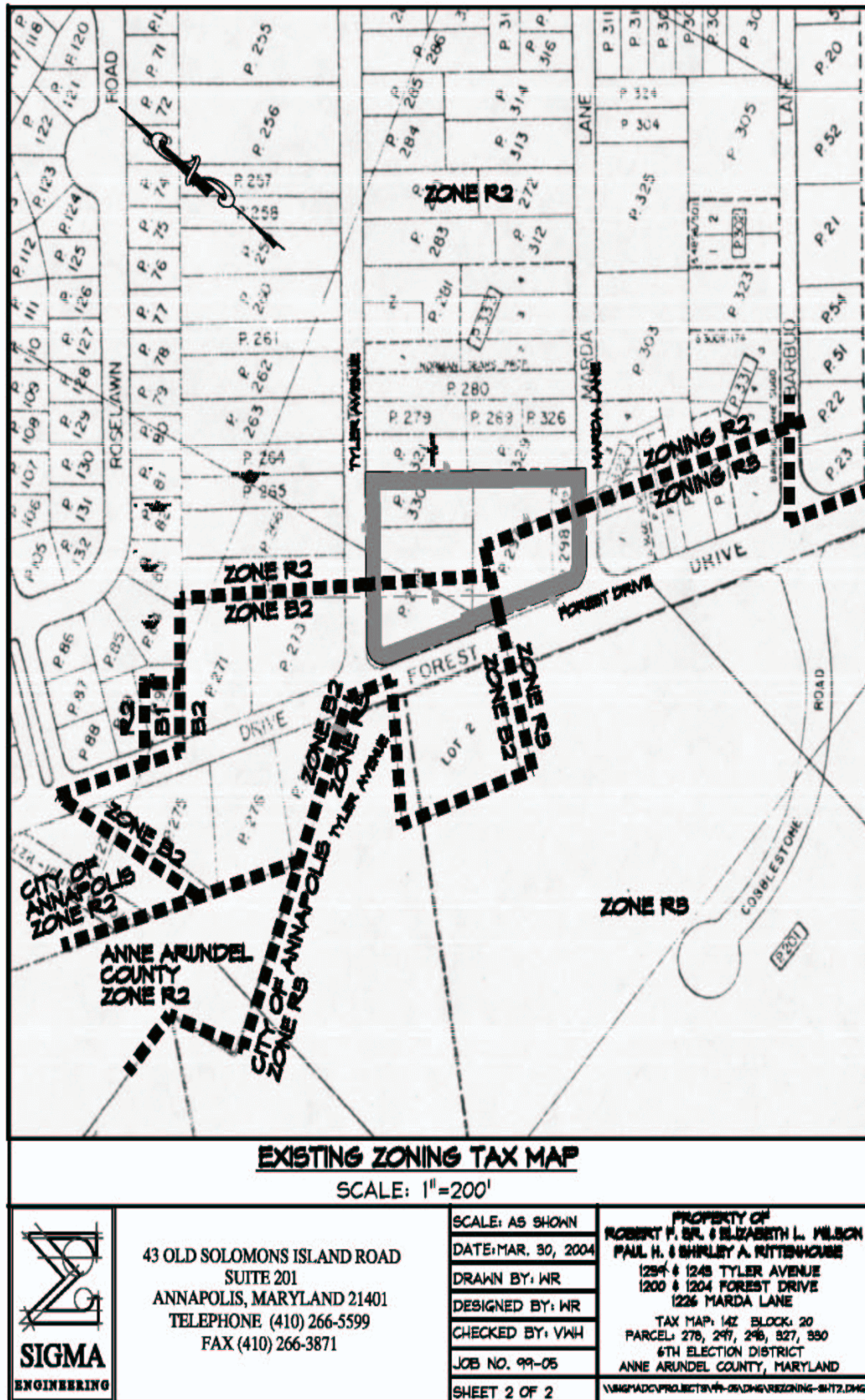
EXPLANATION:

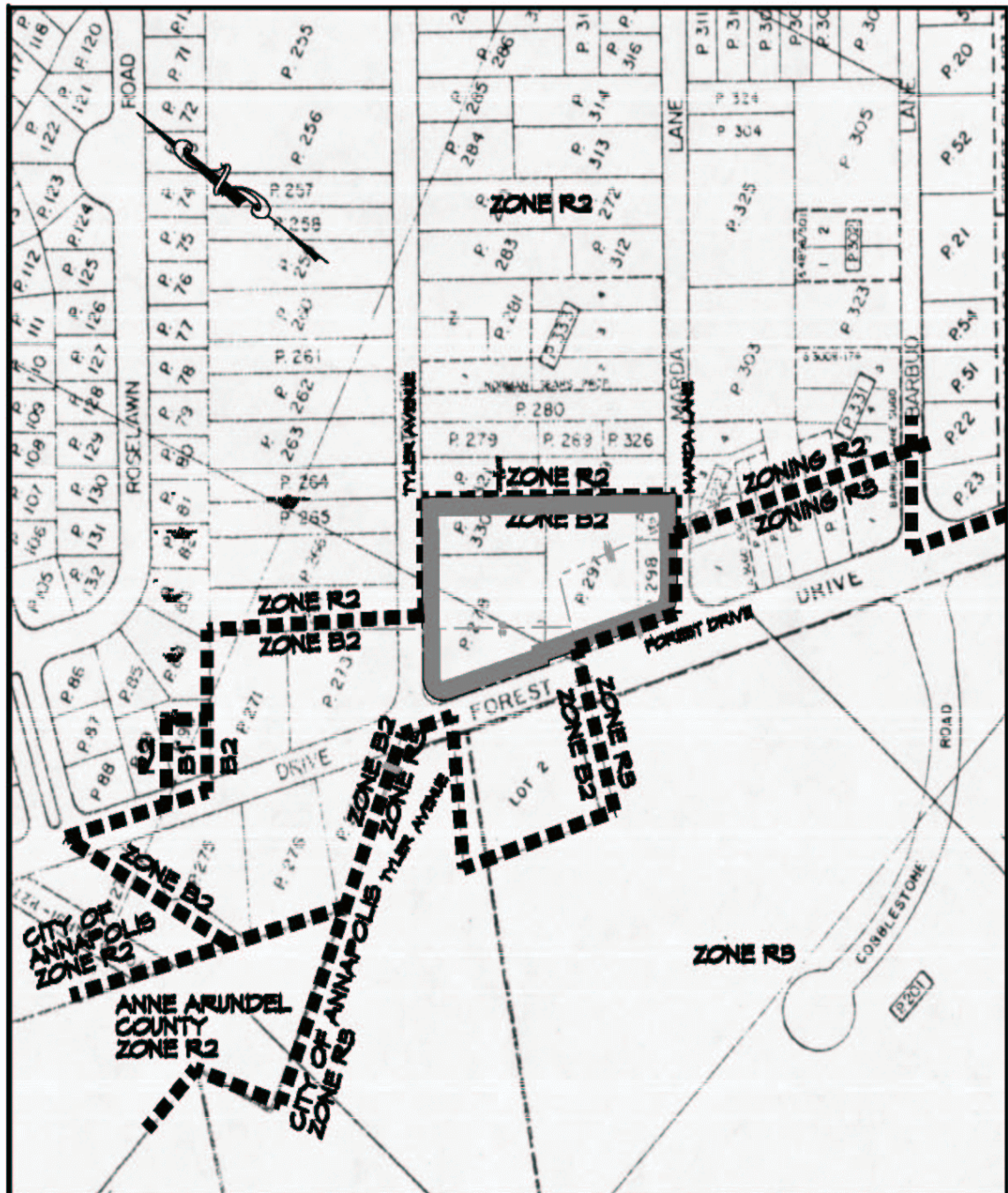
Highlighting indicates matter added to existing law.

~~Strike Out indicates matter deleted from existing law.~~

Underlining indicates amendments.

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PROPOSED ZONING TAX MAP

SCALE: 1"=200'

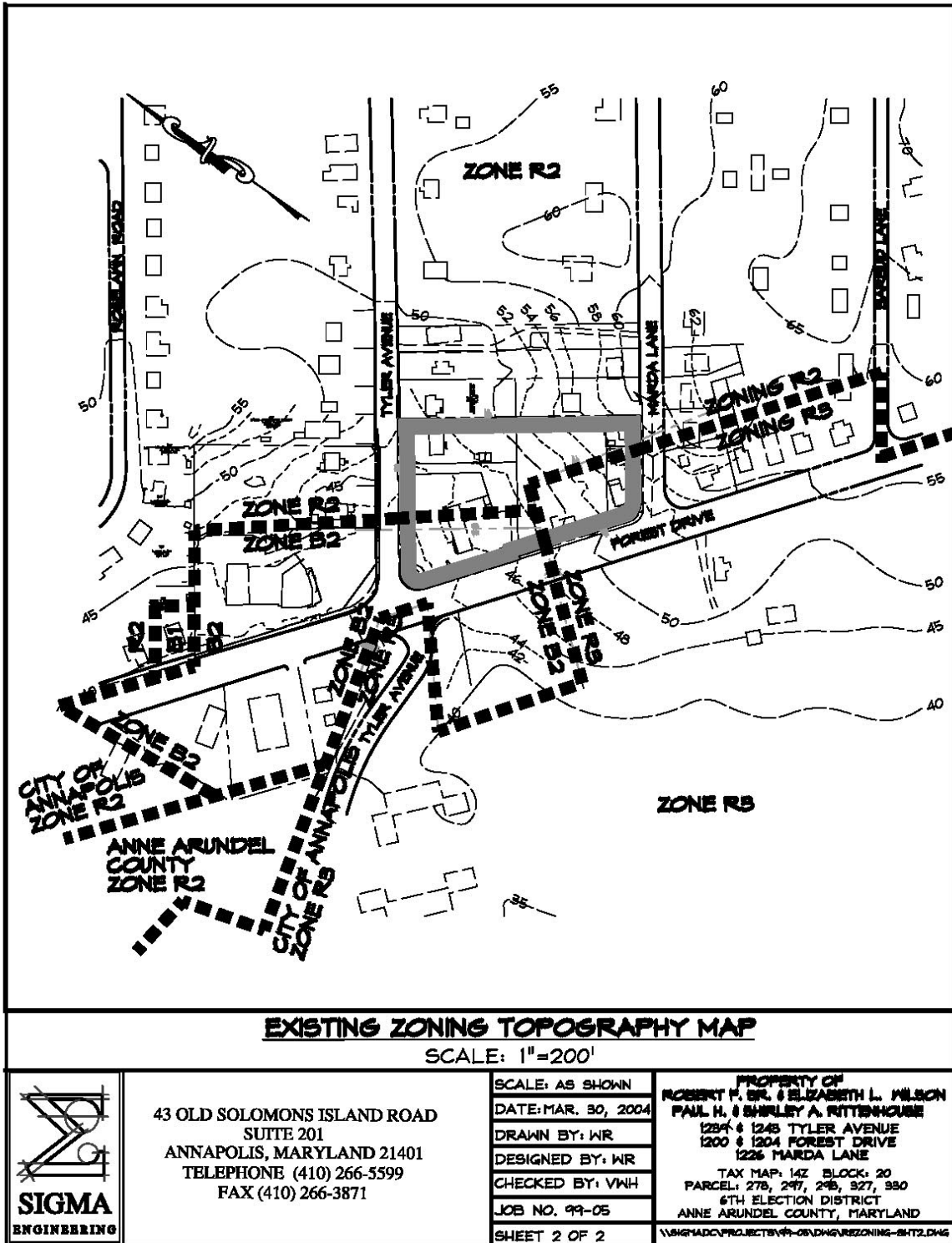


**43 OLD SOLOMONS ISLAND ROAD
SUITE 201
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599
FAX (410) 266-3871**

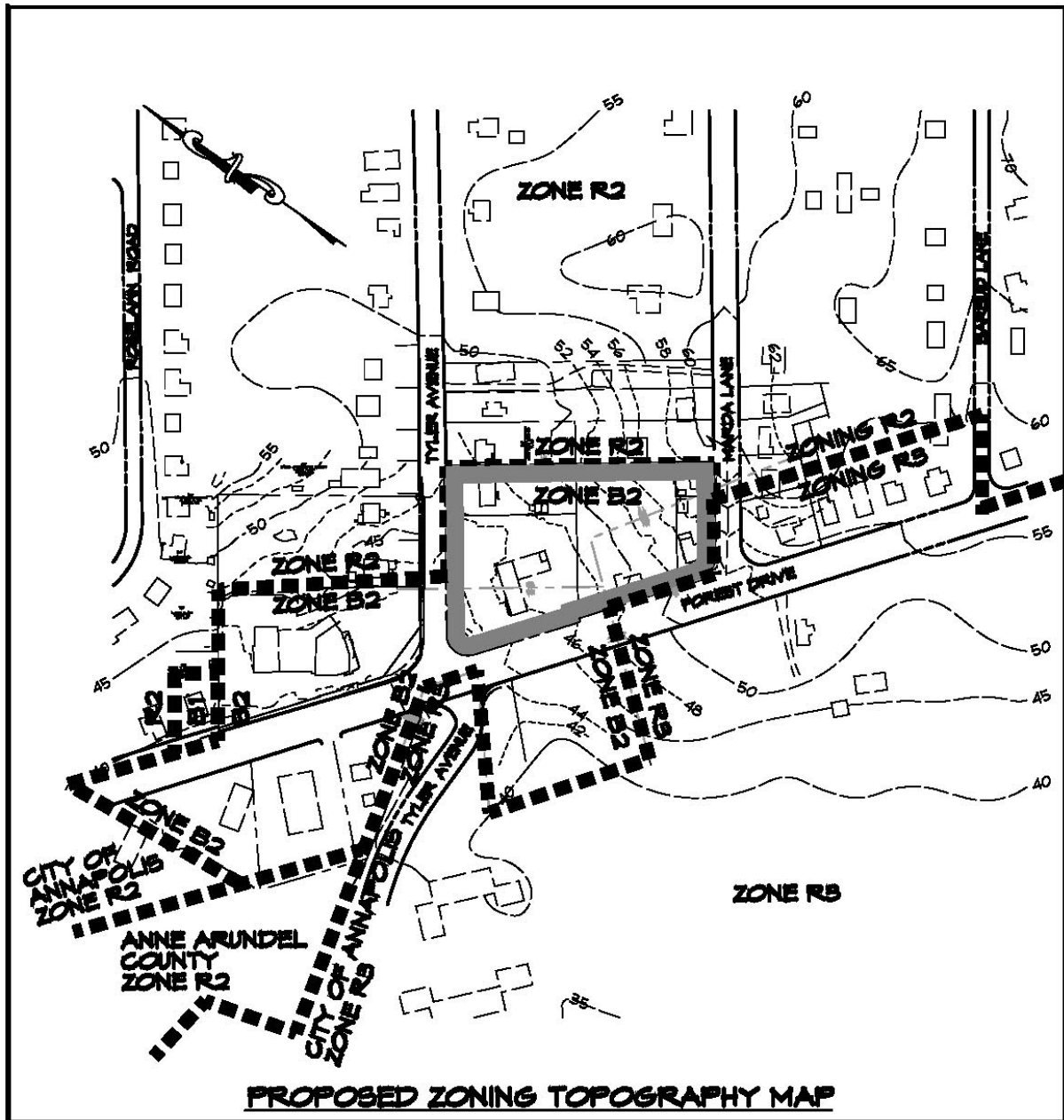
SCALE: AS SHOWN
DATE: MAR. 30, 2004
DRAWN BY: WR
DESIGNED BY: WR
CHECKED BY: VWH
JOB NO. 99-05
SHEET 2 OF 2

PROPERTY OF
ROBERT F. SR. & ELIZABETH L. MILSON
PAUL H. & SHIRLEY A. RITTENHOUSE
1294 & 1245 TYLER AVENUE
1200 & 1204 FOREST DRIVE
1226 MARDIA LANE
TAX MAP: 14Z BLOCK: 20
PARCEL: 278, 249, 246, 327, 330
6TH ELECTION DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND
\\NPG\ADCP\PROJECTS\4-0-0\DC\NEW\REZONING-3HT2.DWG

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1



SCALE: 1"=200'



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SHEET 2 OF 2

PROPERTY OF
ROBERT F. BR. & ELIZABETH L. WILSON
PAUL H. & SHIRLEY A. RITTENHOUSE
1284 & 1248 TYLER AVENUE
1200 & 1204 FOREST DRIVE
1226 MANDA LANE
TAX MAP: 14Z BLOCK: 20
PARCEL: 278, 297, 298, 327, 330
6TH ELECTION DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND
\\SIGMA\CD\PROJECTS\99-05\DWG\REZONING-SHT2.DWG